THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5574 of 2007

Date: 26.03.2007

Between:
C.Jagannadham

....Petitioner

and

The A.P. Cooperative Tribunal and another.

....Respondents

O R D E R:

The petitioner functioned as Chairman of the third respondent-society for some time. On the allegations of misappropriation of the society funds, proceedings under Section 60 of Andhra Pradesh Cooperative Societies Act, 1964, were initiated against him. An order of surcharge proposing to recover a sum of Rs.2,00,000/- was passed against him. Aggrieved thereby, the petitioner filed O.A.No.74 of 1996 before the A.P. Cooperative Tribunal, Vijayawada. The O.A. came to be dismissed for default. Thereupon, the petitioner filed M.P.No.325 of 2000 with a prayer to set aside the order of dismissal of the O.A. for default. He pleaded that there was communication gap between himself and the counsel. The Tribunal passed an order setting aside the order of dismissal of the O.A. for default, on condition that the petitioner deposits a sum of Rs.500/- towards costs. On the ground that the amount of costs was not paid, the Tribunal dismissed the M.P., through its order, dated 27.06.2001. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

The petitioner challenges the order, dated 27.06.2001, in M.P.No.325 of 2000, the effect of which is that O.A.No.74 of 1996 stands dismissed for default. The opportunity given to the petitioner to pay a sum of Rs.500/-, as a condition precedent for

setting aside the order of dismissal of O.A. for default was not availed.

The learned counsel for the petitioner submits that the dismissal of the O.A for default and subsequent non-compliance with the condition of depositing of costs was on account of lack of communication gap between his client and the Advocate engaged in the Tribunal.

Even if what is pleaded by the petitioner is true, the same needs to be placed before the Tribunal for proper appreciation and consideration. This Court cannot find fault with the order of the Tribunal, which was invited by the petitioner himself on account of non-compliance.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to approach the Tribunal with a proper application pointing out his grievance. It is hoped that the Tribunal will take up the application and examine the same on its own merits at the earliest. There shall be no order as to costs.

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26.03.2007

Note: Issue c.c. in three days.
(B/o)
kdl